

Applicant: T. Allan Hamilton
Serial No.: 09/135,154
Filing Date: August 17, 1998
Docket No.: ZIL-304 (formerly CLB5-B73)

REMARKS

Reconsideration and allowance is respectfully requested.

Interview of 10/16/06:

A telephonic interview was conducted on 10/16/06 with Examiner Zimmerman, Mr. Ed Sullivan of Zilog, and the undersigned. The Examiner is thanked for his time. The claims are amended as discussed and recommended by the Examiner. Documents discussed in the interview are submitted in an Information Disclosure Statement filed along with this Amendment.

Claims 51-57 and 59:

Claims 51-57 are rejected under 35 U.S.C. 102 as being anticipated by the so-called Admitted Prior Art (APA). The rejection states, in pertinent part:

"The claims require that a transceiver module, which reads on the appliance, has a low power mode and a high power mode and upon detecting the discovery signal, switches from the low power mode to the high power mode. The two modes discussed by the applicant include a sleep mode with no transmissions and a wake mode with transmissions. It is the examiner's position that the sleep mode with no transmissions inherently is a lower power consumption mode because the device is not transmitting, just listening" (Office Action, page 3, line 17 through page 4, line 2).

It therefore appears that the Examiner construes the term "IrDA transceiver module" such that appliance 12 is an example of an "IrDA transceiver module". Because block 12 of Figure 1 of the APA consumes more power when transmitting than it does when it is "just listening" (according to the Examiner), block 12 has a "low-power mode" and a "full-power mode." Because the Examiner is misconstruing block 12 to be an IrDA transceiver module, the Examiner concludes that Figure 1 of the APA discloses an IrDA transceiver module having two power modes.

Applicant respectfully disagrees with the §102 rejection. First, as explained in the interview, the Examiner has improperly ignored a claim

Applicant: T. Allan Hamilton
Serial No.: 09/135,154
Filing Date: August 17, 1998
Docket No.: ZIL-304 (formerly CLB5-B73)

recitation. Claim 51 recites an "IrDA discovery signal detection circuit" that is part of an "IrDA transceiver module". Nowhere does the APA disclose any such "IrDA discovery signal detection circuit" within an "IrDA transceiver module". There is no detail shown within blocks 14 and 16 of Figure 1 of the APA. There is no "IrDA discovery signal detection circuit" disclosed within any IrDA transceiver in Figure 3 of the APA. Claim 1, on the other hand, very clearly recites "an IrDA discovery signal detection circuit" that is part of the recited "IrDA transceiver module".

Second, contrary to what the rejection says, appliances 10 and 12 of Figure 1 of the APA are not "IrDA transceiver modules"¹. The term "IrDA transceiver module" has an established meaning in the art. An example of an "appliance", on the other hand, is a cellular telephone. Such an appliance (for example, a cellular telephone) might contain an IrDA transceiver module, but that does not mean that a cellular telephone is an IrDA transceiver module. Cellular telephones and IrDA transceiver modules are two different things. Accordingly, Applicant respectfully submits that it is improper for the Examiner to reject Claim 51 due to an appliance in the APA having two different power modes. Claim 51 (prior to its current amendment), in contrast, recited an IrDA transceiver **module** that has a low-power mode and a full-power mode.

Despite the improper §102 rejection, Applicant amends Claim 1 in accordance with the Examiner's suggestions. Claim 51 now recites that it is the "IrDA receiver" within the recited "IrDA transceiver module" that has the "low-power" state and the "full-power" state. Nothing in Figures 1 and 3 of the APA discloses any IrDA receiver within any IrDA transceiver module, where the receiver has two such power states. Accordingly, Figures 1 and 3 of the APA do not anticipate Claim 51 (or dependent Claims 52-57).

In Claim 59, the means recitation is amended as agreed in the telephonic interview. The words "transmission and" are removed so that the means is recited as being "for enabling full infrared signal receipt ..."

¹ Blocks 14 and 16 of Figure 1 of the APA.

Applicant: T. Allan Hamilton
Serial No.: 09/135,154
Filing Date: August 17, 1998
Docket No.: ZIL-304 (formerly CLB5-B73)

In view of the claim amendments and remarks above, it is clear that the APA cannot anticipate Claims 51-57 and 59. Withdrawal of the §102 rejection of Claim 51 (and dependent Claims 52-57) and Claim 59 is requested.

Claims 58 and 60:

Claims 58 and 60 are rejected under 35 U.S.C. 103 over Nykanen (USP 5,706,110) in view of the so-called Admitted Prior Art (APA). Applicant has discussed Nykanen at length in the Appeal Brief of May 6, 2006. That discussion is incorporated here. Nykanen neither discloses nor suggests two different power modes of an IrDA transceiver module. The APA neither discloses nor suggests two different power modes of an IrDA transceiver module. Accordingly, no combination of Nykanen and the APA would have suggested an IrDA transceiver module that has two different power modes.

Despite Applicant's respectful disagreement with the Examiner about Nykanen, Applicant nonetheless amends Claim 58 as suggested by the Examiner in the telephonic interview. Claim 58 as amended is acceptable to Applicant and if the claim would be allowed, then the inefficiencies of reinitiating the Appeal could be avoided. Claim 58, as amended, clearly and specifically recites that "detection of a 9600 baud signal by the IrDA discovery signal detection circuit causes the infrared receiver to switch from a receiver low-power standby state to a receiver full-power state" (emphasis added). This amendment makes it clear that it is the "receiver" that has the recited "low-power standby state" and the recited "full-power state".

Allowance of Claims 58 and 60² is requested.

New Claims 61-64:

New Claims 61 and 62 were discussed in the telephonic interview and the Examiner looked upon them with favor. Claims 63 and 64 depend from Claim 61

² Claim 60 is a dependent claim that depends from Claim 59, and the amendments to independent Claim 59 as discussed above clearly and patentably distinguish the cited prior art.

Applicant: T. Allan Hamilton
Serial No.: 09/135,154
Filing Date: August 17, 1998
Docket No.: ZIL-304 (formerly CLB5-B73)

and are therefore patentable for at least the same reasons. Moreover, and very importantly, none of the cited prior art references discloses a comparator that is "supplied with more power in [one] state than in [another] state" as recited.

Conclusion:

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application (Claims 51-64 are pending) is in condition for allowance. A Notice of Allowance is requested. If the Examiner would like to discuss any aspect of this application, the Examiner is requested to contact the undersigned at (925) 862-9972.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail on the date indicated below and is addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

By T. Lester Wallace
T. Lester Wallace

Date of Deposit: October 19, 2006

Respectfully submitted,

T. Lester Wallace

T. Lester Wallace
Attorney for Applicant
Reg. No. 34,748
Customer Number 47,713

Imperium Patent Works
P.O. Box 587
Sunol, CA 94586
(925) 862-9972